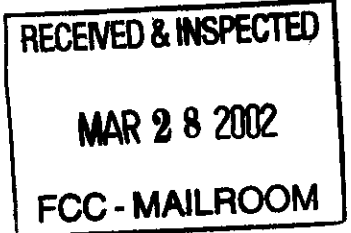


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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.

In the Matter of	)	MM Docket No. <u>99-331</u>
	)	
Amendment of Section 73.202(b)	)	RM-9848
Table of Allotments	)	
FM Broadcast Stations	)	
(Madisonville, and	)	
College Station, Texas)	)	

To: The Secretary, and then

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**MOTION TO STRIKE**

Respectfully submitted,

GARWOOD BROADCASTING COMPANY OF TEXAS

by Robert J. Buenzle,  
Its Counsel

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March 27, 2002

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## S U M M A R Y

On January 10, 2000, Garwood Broadcasting Company of Texas proposed a rulemaking proceeding in MM Docket no. 99-331 which included several changes in the FM Table of Allocations, including inter alia, the allocation and upgrade of channel 273C1 to Columbus, Texas, in place of presently allocated channel 252A, and the replacement of channel 273C2, presently occupied by station KMKS in Bay City, Texas, and licensed to Sandlin Broadcasting Company, with channel 259C2. Sandlin noted its objection to the channel change in Bay City but the instant Motion to Strike does not address that properly filed objection.

On January 11, 2002, Garwood filed an Amendment to its proposal, removing the proposal to upgrade the channel class at Columbus and instead now proposing simply to replace channel 252A there with new replacement channel 273A. That is all that was in the Amendment and Sandlin was served with a copy of that Amendment as filed. Under FCC Rules, Sandlin had the opportunity to oppose that Amendment if it chose to do so within a time frame set by FCC Rule 1.45. It did not file any timely pleading.

Subsequently, 22 days after the allowable time for filing of such a pleading, Sandlin filed a pleading in opposition to the Amendment entitled "Comments". In addition, the "Comments" included a false Certificate of Service, attesting to service and filing on "February 13, 2002", two days prior to the actual date of mailing of February 15, 2002, as certified by the U.S. Postal Service, improperly addressed matter not included in Garwood's Amendment and included as an "Exhibit" a separate "Informal Complaint" prepared by Sandlin against Garwood.

Garwood timely filed its Reply to the opposition "Comments" on February 27, 2002, noting the above procedural defects as well as other substantive defects and moving for the dismissal of the Sandlin "Comments" based upon those facts. Garwood's Reply should have completed any pleading cycle on the Amendment as provided for in Rule 1.45, but on March 4, 2002, Sandlin filed yet another pleading contrary to FCC Rules, this time entitled "Letter" and containing 25 more pages of argument including copies of previously filed Sandlin pleadings.

Garwood in this Motion to Strike argues that Sandlin has committed a serious abuse of process in its repeated and willful violations of FCC Rules 47 CFR 1.4, 1.45, and 1.46, that Sandlin's own pleadings clearly establish the scienter of Sandlin in this matter, in its own reference to, and arguing of, such rules, as they apply to others, that its repeated illegal filings have been not only prejudicial to the rights of Garwood to Administrative Due Process, but have also needlessly disrupted and delayed decision of this proceeding and burdened the limited financial and time resources of the Commission. That being so, and clearly demonstrated in the Motion to Strike, Garwood has not

only Moved to Strike all of the Sandlin pleadings filed contrary to FCC Rules, but also moved the Commission to require further explanation from Sandlin for these actions, to impose sanctions upon Sandlin for the repeated and willful violations of FCC Rules, and to put Sandlin on notice that further such violations will not be tolerated.

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**MOTION TO STRIKE**

On January 11, 2002, Garwood Broadcasting Company of Texas (hereinafter "Garwood") filed an Amendment to its Counterproposal in this proceeding, deleting a channel upgrade request and simplifying the basic proposal. In its Amendment, it did not seek to "add" any new proposals and limited its Amendment to scaling back what had already been proposed in its Counterproposal as filed on January 10, 2000. Nonetheless, on February 15, 2002, Sandlin Broadcasting Company (hereinafter "Sandlin") filed an Opposition to that Amendment entitled "Comments" which purportedly addressed the Garwood Amendment.

**I. Background Of Past Rule Violations By Sandlin**

On February 27, 2002, Garwood filed its Reply to the Sandlin pleading which inter alia pointed out that the Sandlin "Comments" were procedurally defective and unacceptable since they were (1) filed grossly out of time (22 days late) without any request for acceptance, (2) that they included a false Certificate of Service

which misrepresented the true date of service of the pleading by two days, 1/ and (3) that they were directed to the substantive merits of the original rulemaking proposal by Garwood rather than to the merits of the Amendment to which the "Comments" were purportedly addressed. In addition, just for "good measure" we assume, Sandlin included as an Exhibit to its "Comments", a copy of a totally extraneous pleading which it styled as an "Informal Complaint" directed to the "FCC Enforcement Bureau" consisting of a nasty and baseless Ad Hominem attack against Garwood and its principal, Roy E. Henderson, this additional "pleading" being not only inappropriate as part of Sandlin's Opposition "Comments" to the Garwood Amendment, but also otherwise not even served upon Garwood. 2/

All of these actions by Sandlin have been contrary to clear and well-established Rules of the FCC which govern pleadings filed before that Agency. Garwood even cited the Rule section governing such pleadings (See page 2 of Garwood's "Reply to 'Comments'" filed February 27, 2002), and Sandlin itself not only proudly acknowledges its knowledge of the rules governing pleadings (page 7 of its "Informal Complaint"), and Service Requirements (page 8, *infra.*), but even cites from an FCC case which discusses Abuse of Process (page 3, *infra.*)

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1/ This was established irrefutably by the date stamped by the U.S. Post Office upon the Certified Mail envelope, a copy of which was included as Exhibit 1 in the Garwood Reply.

2/ Garwood will respond separately to the offensive and baseless attacks which permeate Sandlin's "Informal Complaint" and will serve the Chief of the Allocations Branch with a copy of that response.

Given its past background in filing pleadings before the FCC as well as its own acknowledgment of FCC Rules which govern the filing and content of pleadings as well as the FCC's concern with abuse of such established processes, we must examine the actions of Sandlin in presuming to file a pleading 22 days late with no request for leave to do so, or reason as to why it could not comply with rules that govern everyone else; why it chose to include a false Certificate of Service, knowing why such a Certificate is required in the first place, and that the deliberate misrepresentation would, if not discovered, severely prejudice the filing rights of the party to whom the pleading was addressed; and including arguments and an additional pleading (the Informal Complaint) wholly inappropriate to its basic right to oppose and comment upon the Amendment which had been filed by Garwood. Talk about "abuse of process", this is a textbook example of rules being ignored, twisted, and subverted, all for the assumed "benefit" of Sandlin.

In view of these egregious and unexplained defects in the Sandlin "Comments", Garwood suggested in its Reply that they should be recognized as fatally defective, in both procedure and substance, and dismissed outright. Since this was Garwood's Reply, we assumed that this completed the pleading cycle, fractured as it had been by Sandlin, but that was not to be. Sandlin was not done and apparently continues in its perception that the FCC rules which govern pleadings, apply to everyone else but not to Sandlin. It seems that as far as Sandlin is concerned, it will file what it wants, when it wants, and how it wants,

notwithstanding any silly little FCC rules to the contrary. We believe that it is time to draw the line on this flagrant abuse of process by Sandlin and we intend to do so here.

**II. The Cumulative Effect Of Sandlin's Past and Continuing Rule Violations is Patently Prejudicial to Garwood, A Burden Upon The FCC's Decision Making Function, And Deserving of FCC Sanctions.**

**A. Sandlin's Further New Rule Violation**

Following completion of the pleading cycle on this matter as discussed above, Sandlin has now proceeded to file yet another pleading, this time entitled "Letter" which starts by acknowledging (but does not address or attempt to explain) the "deficiencies" of its prior opposition "Comments" pleading, but then quickly launches into yet another bite of the apple with its argument (again) of the alleged "public safety" argument that it already made two or three times ago in its prior "pleadings". Following that, Sandlin proceeds to offer its further comments upon the merits of Garwood's Reply pleading, and again, for further "good measure", just in case the FCC lost all of the prior copies already filed by Sandlin, it attaches additional copies of its Comments in Opposition to Garwood's Amendment as filed February 15, 2002, <sup>3/</sup> as well as its "Informal Complaint", still dated "February 13, 2002" but which we assume was also bearing the same false date for filing and service.

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<sup>3/</sup> Lest there be any confusion, these are the same "Comments" filed by Sandlin with the original indicated untrue, misrepresented, date of February 13, 2002, now acknowledged and "corrected" by Sandlin to the true date of February 15, 2002.



**B. Sandlin's Pleadings Confirm That it Is Fully Aware Of FCC Rules Governing Procedure and Abuse of Process, And That Its Violations Have Therefore Been Calculated and Deliberate.**

As noted earlier, Sandlin has not been reluctant to quote references to FCC pleading rules, and FCC cases that bear upon abuse of process, when Sandlin believes that to be to Sandlin's advantage. In addition, Garwood also cited FCC rules of procedure in its own Reply pleading filed (and served upon Sandlin) on February 27, 2002. It is simply impossible for Sandlin at this point to profess ignorance and rely upon such ignorance as an excuse to evade, avoid, manipulate and twist the FCC rules governing procedure in pleadings filed with the FCC.

Knowing what it knows, and what it has admitted knowing, there can be no question but that Sandlin has deliberately abused these FCC rules to seek some advantage in this case, continuing to file what it wants to file, when it wants to file it, and how it wants to file it. This is intolerable and is of no less consequence than if Sandlin decided to ignore FCC rules governing its public file or painting its tower. It is this clear, continuing, and inexcusable pattern of abuse by Sandlin in Sandlin's hope and expectation that such "dirty play" outside the rules might result in some advantage to Sandlin in this case, that must be stopped and stopped now.

**III. The Importance Of The FCC Rules And The Damage Caused By Sandlin's Rule Violations**

To start with, Garwood has a right to make its case and Sandlin has a right to oppose it. That happens all the time in

FCC proceedings and in almost all other cases, the various proponents make their best cases within the structural framework provided by the applicable FCC rules of conduct. Each party knows when it can speak, the ground rules of what it may say, and its own obligations to serve the opposing party honestly since such service is required and triggers very definite time schedules within which pleadings may be filed. Observance of these rules is obviously essential to assure fairness to both sides as well as order to the proceeding, in the interest of the Commission and the public as well as the parties.

Observance of the Commission's procedural rules is essential to the protection of rights of all parties and to providing the FCC with the necessary coherent record upon which to make its Decisions. These rules are just as important as any other FCC Rule governing station operation or conduct before the Commission. The Rules cannot simply be "ignored" by a party just because they may be "inconvenient" or because ignoring them might result in some perceived extra "benefit" by the wrongdoer. In short, Sandlin has no more right to ignore these rules than it would to ignore other FCC Rules that require lights on the KMKS antenna, maintaining a public file, or operating according to licensed values, and its deliberate and repeated transgressions here should not be condoned or forgiven any more than if they had been violations of any other such FCC Rule.

In the instant case, Sandlin has simply brutalized the rules governing such proceedings, ignoring and disregarding them at

will, time after time, when and where it chose. At the same time, in this very same proceeding it has not only recognized but argued the application of those very same rules as they relate to governance of pleadings, service of pleadings and abuse of process. It cannot do this. It cannot have it both ways: use the rules as they may be convenient and ignore them when not.

**IV. Sandlin Is Responsible For Its Own Actions And Must be Held Fully Accountable**.

Moreover, even if Sandlin is proceeding pro se on this matter, 4/ that would not in any way excuse it from conforming and complying with all applicable rules of the FCC governing such matters since all those coming before the Commission are charged with knowledge and compliance with the FCC's Rules and must comply with the Commission's Rules and policies, See Mandeville Broadcasting Corp. 2 FCC Rcd 2523 at 2524 (1987). See also Gray-Schwartz Broadcasting, 44 RR 2d 1033 (1978). As stated in Silver Beehive Telephone Co., 34 FCC 2d 738, 739 (1972), an applicant who proceeds without counsel does so at its own risk and "must assume the burden of becoming acquainted with, and conforming to the requirements of our rules". Moreover, as indicated, Sandlin has professed and argued application of those very same rules, but only when it was perceived to be in Sandlin's own best interests to do so. Otherwise, they were simply ignored.

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4/ Prior to this time it had been believed that Helen E. Disenhaus had held some position of Counsel to Sandlin but, given the nature of Sandlin's actions, undersigned counsel for Garwood called Ms. Disenhaus on March 12, 2002, and was advised she is not acting as counsel for Sandlin. As such, Ms. Disenhaus has been removed from service of further pleadings in this case.

**V. Acceptance of Late-Filed Pleadings Is Specifically Disfavored By The Commission In Rule 1.46(a), No good Cause or Request For Leave To Fail Late Was Filed, the "Comments" are Patently in Violation of FCC Rules And Should be Stricken and Rejected.**

Ignoring those rules, Sandlin just presumed to go ahead and file its Opposition "Comments" 22 days out of time, as if being over three weeks late didn't really matter. Well, it does matter and the cases are legion where a properly filed request to extend the filing time (not even done at all in this case by Sandlin) has been denied. Under 47 CFR Sec 1.46(a), it is the stated, written, policy of the Commission that extensions of time shall not be routinely granted. Further, if such an extension is desired, the proponent is required to state its special "good cause" for grant of such a special extension of time at least 7 days before the pleading would be normally due. Sandlin, of course, ignored all of this, despite the fact that it referred to Rule Section 1.415, which in turn specifically refers back to Rule 1.46 in its own "Informal Complaint" filed with its own late-filed Comments on February 15, 2002. It obviously knew what the Rule required but just didn't care.

Again, even for those that observe the requirements of the rule, extensions of time for filing pleadings are not normally granted absent a showing of some extraordinary circumstances, certainly not present here. See Order Denying Extension in Re: Amendment of TV allocation Table Charleston-Huntington, West Virginia, MM 4835, MM Docket 85-30 (1985) where extension request was filed only 4 days before due date (instead of the 7 days required by Rule 1.46(b) and denied; See also Crossville and

Hilham, Tennessee, 6 FCC Rcd 6636 (1991) where the extension request was also denied, with the Commission noting there that "It is the responsibility of commenting parties to ensure that documents are delivered [to the FCC] on time".

The point is that it is no small thing to attempt to file any responsive pleading after the time set for such a pleading by the FCC Rules has expired. In our case, Sandlin filed its Opposition "Comments" 22 days late after the time had expired for such a pleading, including a false Certificate of Service but not even bothering to include any request for leave to file such an egregiously out-of-time pleading. On those facts we submit that the Sandlin Comments must be dismissed as contrary to FCC Rules and returned to Sandlin. In addition, on those facts, we submit that the Commission could and should find that Sandlin, an FCC licensee under FCC jurisdiction, has seriously abused the FCC processes and should be held accountable for such abuse.

**VI. The New "Letter" Pleading filed by Sandlin on March 4, 2002, in Response To Garwood's Reply Pleading of February 27, 2002, Is Yet Another Further Abuse Of FCC Rules By Sandlin.**

As if that were not enough, as if Sandlin had not already abused the FCC processes sufficiently with its unauthorized, out-of-time "Comments", its false Certificate of Service, and its "extra" Informal Complaint embedded within its opposition "Comments", Sandlin has now compounded its abuse of the Commission's rules by once again presuming to file an additional pleading, totally unauthorized and contrary to FCC Rules, in another attempt to get the "last word" and to again submit its

substantive arguments which it has already submitted ad nauseam in prior pleadings.

There is no provision in the FCC rules to provide for a fourth pleading in the pleading cycle. In the instant case, Sandlin filed its "Comments" pleading in opposition to the Garwood Amendment and Garwood filed its Reply to that pleading. That ends the pleading cycle (See 47 CFR 1.45). As set forth in Rule 1.45(c), "additional pleadings may be filed only if specifically requested or authorized by the Commission". We do not recall the FCC as "requesting" or "authorizing" any further pleadings from Sandlin and yet Sandlin just goes right ahead and files what it wants to file in the apparent hope that if it repeats the same baseless arguments enough times, they will gain substantive "weight". We don't think so. To state the obvious, baloney is baloney no matter how many times it is presented, repackaged, parsed, sliced, or diced. The substance and the smell remain unchanged and we think it is insulting as well as illegal for Sandlin to continue to bombard the FCC staff with such repetitious "arguments" in the vain hope for some "cumulative" effect. To state the obvious, such actions, contrary to FCC Rules that govern all parties to FCC proceedings, are patently prejudicial to the rights of Garwood to administrative and procedural due process and Garwood vigorously objects to such continued unfair proceedings by Sandlin.

The additional unauthorized pleading is this time entitled "letter", 5/ but carrying the usual baggage including another copy of its improper and unacceptable "Comments " of February 15, 2002, as well as another copy of its improper and unacceptable "Informal Complaint" filed that same day. This new unauthorized and unacceptable pleading by Sandlin comprises a total of 25 more pages of unacceptable regurgitated ramblings, a further unconscionable, unallowable, and wasteful burden in form and weight to the Commission as well as to Garwood.

Does Sandlin really believe that its endless repetition of its arguments will change their substantive worth, that it is really worth the risk of repeatedly violating FCC rules to continue to refile these arguments? Does Sandlin really think that no one would ever notice or ever care? Make no mistake about it, whatever it is, Sandlin had the right to say it, but only once and only at the proper time, and only in accordance with applicable FCC rules which govern pleadings in adversary proceedings. Sandlin apparently believes that it would be more "effective" for Sandlin to have the "last word" on this matter, whether it is allowed to do so under FCC Rules and Procedures or not.

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5/ Perhaps Sandlin is well enough aware of the FCC Rules forbidding any further pleading after a Reply and hopes to avoid this prohibition by the simple subterfuge of calling this one a "Letter". To state the obvious, the use of a "letter pleading" is improper (Holiday Group, Limited, FCC 85R-92 (1985) and "letters" are not allowed as substitutes for pleadings in FCC proceedings. See Belo Broadcasting Corp., 44 FCC 2d 534, 537 (1973); Scott & Davis Enterprises, Inc., 88 FCC 1090, 1092 n.5 (1982).

**VII. It Is Clear FCC Policy Not To Accept "Extra" Unrequested and Unauthorized Pleadings, and it Should Not Accept Sandlin's.**

Sandlin is not the first to attempt such illegal maneuvers, although perhaps the most artless. The Commission has dealt with this before and flatly rejected such "additional pleadings" absent demonstration of "the most compelling and unusual circumstances" which obviously are not present here. See D.H. Overmyer Communication Co., 4 FCC 2d 496, 505 (1966); KAYE Broadcasters, Inc., 47 FCC 2d 360, 361 n. 4 (1974); See also Adjudicatory Regulation, 58 FCC 2d 865, 876 (1976). This latest abuse of FCC Rules must likewise be stricken, dismissed and returned as unacceptable.

**VIII. Sandlin's Pleadings Filed Contrary To FCC Rules Should Be Dismissed And Returned To Sandlin; Sandlin Should be Held to Account For its Deliberate and Willful Violations Of FCC Rules, And Sandlin Should Be Placed On Notice That Further Rule Violations Will Not be Tolerated**

**A. The Pleading Cycle In This Proceeding Is Complete And Ripe For FCC Decision.**

Sandlin has already made it clear in this proceeding that it opposes the rulemaking proposed by Garwood. Sandlin's arguments, as fashioned and presented by Sandlin are already before the Commission, available for whatever consideration the Commission may wish to give them. The recent actions by Sandlin in response to Garwood's Amendment of January 11, 2002, however, constitute an outrageous, unacceptable abuse of several Commission Rules and should be the subject of sanctions against Sandlin, notwithstanding the outcome of the instant proceeding. As far as this proceeding is concerned, Sandlin did not file its opposition



"Comments" within the time prescribed by FCC Rule 1.45 and its Comments must be rejected as grossly out of time and unacceptable. As far as this rulemaking is concerned, the pleading cycle is long completed and the Commission may proceed to its own analyses on the matters properly before it. In no way should Sandlin be "rewarded" for its rule violations by allowing its unauthorized and unallowable filings to further disrupt or delay FCC action in this Docket.

**B. Sandlin's Pleadings, filed Contrary to Law, Must be Dismissed and Sandlin Held Fully Accountable For its Deliberate Rule Violations.**

As for the various items filed by Sandlin contrary to FCC Rules and Regulations, viz. its "Comments" filed over 3 weeks late, falsely dated February 13, 2002, and actually served two days after the Certification date, including its attached "Exhibits" should be stricken as contrary to FCC Rules and returned to Sandlin; and the additional unauthorized pleading entitled "Letter" and its Exhibits dated March 4, 2002, should be similarly stricken as contrary to FCC Rules and returned to Sandlin.

We further submit that the admitted actions of record by Sandlin, an FCC Licensee, before this Commission are so clearly abusive of FCC Rules and burdensome upon the Commission as well as upon Garwood, that appropriate sanctions should be assessed upon Sandlin for these patent and abusive rule violations. Moreover, an inquiry should be initiated as to the facts and circumstances surrounding the false Certification by Sandlin of

its "Comments" certified as filed and served on February 13, two days prior to the date of actual service as conclusively proven by the Post Office cancellation. Whether the false Certification was made with an intention to deceive is a matter for the Commission to decide but the importance of that date of service is patent and actually sending the pleading two days after the indicated date of service would act to reduce the time for Reply as set by FCC Rule 1.45 from 5 days down to 3. That is not inconsequential and it is clearly an act prejudicial to Garwood and beneficial to Sandlin. Further, intent to deceive may be found from the false statement of fact coupled with proof the the party making it had knowledge of its falsity. See David Ortiz Radio Corp. v FCC, 941 F. 2d 1253, 1260 U.S. App., D.C. Cir, 1991) and intent may also be inferred from motive, See Joseph Barr, 10 FCC Rcd 32, 33 (1994).

Absent observance of the Rules that apply to pleadings between adversary parties, it would be impossible for the FCC to discharge its decision-making function. The pleading cycle would never end, and the issues would expand endlessly as parties presented any and all arguments at any time, unrestricted by rules requiring relevant responses to matters raised in the initial pleading, time for filing pleadings, accurate and honest Certification of pleading service, and adherence to rules which set forth who has a right to file and when.

In this case we can see a vivid example of the chaos and wasted time of the Commission and other parties that result when

that scenario is played out. The rules of procedure have a very valid purpose and are as important as any other rules to insure a fair and predictable framework for everyone. In this case, Sandlin has apparently decided that it would be more 'advantageous' for Sandlin to simply ignore any rule that might be inconvenient to Sandlin, thereby, in Sandlin's logic, improving Sandlin's chance to prevail. This is no better than a boxer who hits below the belt, who hits after the bell, or, for that matter, who bites the other guy's ear. All of those outrageous and unacceptable acts might be considered as bestowing an extra "advantage" on the boxer who chooses not to follow the rules, but they aren't (or shouldn't be) any more acceptable in the boxing ring than they are here. It is dirty fighting and it should be condemned wherever it occurs.

It is the Commission's obligation to act as referee here, and to call a halt to Sandlin's actions in no uncertain terms. If this were an open hearing and Sandlin proposed such actions in clear violation of FCC rules and Garwood's right to administrative due process, Garwood would state its objection very quickly and would assume, on the facts of this case, that the Presiding Judge would rule very quickly that Sandlin must follow the rules as well as everyone else and that its attempts to circumvent those rules would be denied, notwithstanding Sandlin's mistaken belief and protest that such rule violations were necessary to "help" its case.

In the instant case, we must, perforce, do this by pleading as we are doing here, but we hope that the Commission staff will act quickly to admonish Sandlin to cease and desist its disruptive and unfair abuse and violation of the FCC's Rules. Further, we note here that Sandlin has a right to file an Opposition to this Motion to Strike but that any such Opposition would again be subject to FCC Rules and policies which restrict the Opposition to matters relevant to this Motion as filed i.e. whatever argument Sandlin may wish to offer as to how its pleadings had been timely, how its Certificate of Service had been accurate, and how it had a right to file an additional pleading (its "Letter") after Garwood's Reply had been filed.

In other words, Garwood has claimed here that all of these pleadings by Sandlin have been contrary to FCC Rules which govern the filing and acceptance of pleadings, and Sandlin is certainly free to argue why that might not be so. Beyond that, however, it is our position that this does not provide Sandlin with Carte Blanche to lard any response with yet more copies of its former pleadings nor to launch into more substantive arguments irrelevant and unrelated to the Motion to Strike. To the extent that Sandlin may not be able to observe these legal restrictions or simply chooses not to do so, we state here that Garwood would consider this to be yet another deliberate abuse of process by Sandlin, and would argue it as such.

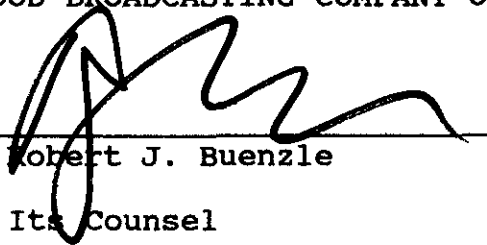
**IX. Conclusion**

Wherefore, Garwood respectfully submits that the "Comments" dated by Sandlin February 13, 2002, and actually served by Sandlin on February 15, 2002, and the "Letter" filed by Sandlin on March 4, 2002, are contrary to the provisions of FCC Rules 1.4, 1.45, and 1.46, are unacceptable for filing and should be stricken, dismissed, and returned to Sandlin, and that the Commission should take whatever further actions it deems appropriate relative to Sandlin's actions in this matter as discussed herein.

Respectfully submitted,

GARWOOD BROADCASTING COMPANY OF TEXAS

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March 27, 2002

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Motion to Strike have been served by United States mail, postage prepaid this 27th day of March, 2002, upon the following:

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